UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF PENNSYLVANIA

In re:

HORTENSE C. TIPPETT : Bankruptcy No. 24-11685 AMC

Debtor

CHAPTER 13 STANDING TRUSTEE'S REPLY/OPPOSITION TO MOTION TO APPROVE NEXT FRIEND and WAIVER OF CREDIT COUNSELING/FINANCIAL MANAGEMENT COURSE REQUIREMENTS

AND NOW, KENNETH E. WEST, ESQUIRE, Chapter 13 standing trustee ("standing trustee"), requests that the Court deny the Motion to Approve Next Friend/Waiver, as follows:

- 1. On My 16, 2024, debtor filed the instant petition.
- 2. On May 24, 2024, Debtor's counsel filed a Debtor's Motion to Approve Talmadge Tippett as Debtor's Next Friend and for Waiver of Credit Counseling and Financial Management Course Requirements along with an Acknowledgement of Bankruptcy Representative See copy of the Motion and Acknowledgement attached hereto and marked as Exhibits "A" and "B.
- 3. The 341 hearing has not been held and no payments have been made as required under the plan.
- 4. On July 8, 2024, Kevin Callahan of the United States Trustee's Office contacted Debtor's counsel with specific questions concerning the above-mentioned Motion and Acknowledgement. Specifically, the following questions/concerns were relayed to counsel:
 - (a) ... there is nothing in the motion to corroborate the incapacity of the debtor.
 - (b) Can the debtor or representative provide evidence of the debtor's condition (e.g. doctor's note).
 - (c) Does the debtor reside at the address on the petition?
 - (d) Are there other family or other persons who reside at the property and can attest to her condition?
 - (e) When did the dementia set in?

- (f) Does the debtor even know she is in bankruptcy?
- (g) How will debtor fund the payments to trustee?
- (h) And how is she maintaining the home, paying expenses, etc., if she is so incapable of proceeding by herself in bankruptcy?
- 5. In response to the inquiry, Debtor's counsel filed two doctor's notes which fail to address the United States Trustee's inquiry *See copy of the notes attached hereto and marked as Exhibit "C"*.

WHEREFORE, KENNETH E. WEST, ESQUIRE, chapter 13 standing trustee, respectfully requests that this Court deny the Debtor's Motion to Approve Talmadge Tippett as Debtor's Next Friend and for Waiver of Credit Counseling and Financial Management Course.

Respectfully submitted,

Date: August 12, 2024 Kenneth E. West

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